

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

**MEGAN HANCOCK)
TRENTON HANCOCK)
LILLY HANCOCK)
CADRIAN NOE,)
RAEDAN NOE, all b/n/f)
APRIL HOLLON AND)
TIA MAYNARD; and)
APRIL HOLLON)
TIA MAYNARD)**

Case No: 3:17CV309

Plaintiffs,)

vs.)

**GENERAL MOTORS,)
LLC,)
d/b/a GENERAL MOTORS))
COMPANY, d/b/a)
General Motors, et al)**

Defendant(s))

**PLAINTIFFS' ATTORNEY'S VERIFIED DEMONSTRATION OF CAUSE AS TO WHY
THIS ACTION SHOULD NOT BE DISMISSED WITH ATTACHED AFFIDAVIT**

Comes now, Attorney I. Marshall Pinkus on behalf of the Plaintiffs, being first duly sworn upon his oath, and in response to the Court's 'ORDER' issued on January 31, 2018 states as follows:

1. The original complaint for damages was filed on September 1, 2017, (Doc # 1) along with a summons directed to General Motors' Resident Agent, (Doc # 2), both served by registered United States Mail 2. Counsel believes that the Defendant(s) received service because soon after; GM, by their attorney, Andrew B. Bloomer, P.C. Kirkland and Ellis

LLP filed to transfer Plaintiffs' 'Complaint for Damages' to the Judicial Panel On Multidistrict Litigation (MDL No. 2543 In Re: General Motors LLC Ignition Switch Litigation.

2. Plaintiffs' then filed with this Court, on October 24, 2017 their 'First Amended Complaint' (Doc #10) and Summons.

3. On October 25, 2017, Plaintiffs' attorney entered his Appearance with the MDL (MDL Doc #7) which was electronically served upon all counsel of record including, of course, the Defendants and which included their attorney, Andrew B. Bloomer. Plaintiffs' counsel, at the same time, filed 'Plaintiffs' Motion to Preserve Constitutional Rights to Challenge the Southern District of New York's Personal Jurisdiction Over Megan Hancock et al' This pleading and counsel's Appearance was electronically sent to "OHS/3:17-cv-00309", (MDL Doc: 1199).

4. On October 27, 2017, Plaintiff's counsel filed with the MDL, 'Plaintiffs' Motion To Vacate Conditional Transfer Order With Brief In Support'. Attachments included 'Brief in Support', (2) 'First Amended Complaint', (3) 'Certificate of Service', (MDL Doc #1209), and was filed in this Court, OH/3:17-cv-00309, (S.D. Ohio Doc # 13).

5. Counsel knew that the Defendants had received service of 'Plaintiffs' First Amended Complaint...' because Defendants' attorney, Andrew B. Bloomer, filed with the MDL, which was also served upon this Court, filed his 'New GM'S MEMORANDUM IN OPPOSITION TO MOTION TO VACATE CTO-115' on November 24, 2017 (MDL Doc #1240). On page two (2) of MDL Doc #1240, first paragraph, attorney Bloomer, as part of his argument, specifically references 'Plaintiffs' First Amended Complaint..'

6. Counsel believed, until receiving this Court's ORDER of January 31, 2018, that service of the Plaintiff's 'First Amended Complaint For Damages And Demand For Jury Trial', had been properly served and had been received by the Defendants and their attorneys of record.

7. Counsel, in good faith, and on behalf of each of the Plaintiffs moves this Court to extend the time of the service of Plaintiffs' 'First Amended Complaint...' and Summons on the Defendants and to not dismiss this action.

8. Counsel is serving the Defendants, their resident agent and their attorney, Andrew B. Bloomer, a file marked copy of Plaintiff's 'First Amended Complaint And Demand For Jury Trial' and a Summons by United States Registered Overnight Mail on or about February 12, 2018, and by Efiling.

WHEREFORE, Plaintiffs pray that the Court extend the time for service of process of their 'First Amended Complaint And Demand For Jury Trial' on the Defendants, to not dismiss this action and for all other relief just in the premises.

I swear upon the penalties of perjury that the foregoing representations are true.

Respectfully submitted,

PINKUS & PINKUS, LLC

By: **/s/ I. Marshall Pinkus, Attorney**
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PROOF OF SERVICE

In accordance with Rule 4.1(a) of the Rules of Procedure for the United States District Court Southern District of Ohio Western Division, the undersigned certifies that a true and correct copy of this pleading and of 'Plaintiffs' First Amended Complaint For Damages and Demand For Jury Trial' with a Summons; was served on the following on or about February 12, 2018 by United States Overnight Registered Mail, and by electronic filing:

General Motors et al
Resident Agent:
c/o CORPORATION SERVICE COMPANY
50 West Broad Street, Suite 1330
Columbus, Ohio 43215

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United States Judicial Panel
On MultiDistrict Litigation
MDL 2543
CM/ECF All Registered Users

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